

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

VICTOR BEAM

vs.

CASE NUMBER: 1:09-CV-628 (NAM/DEP)

COMMISSIONER OF SOCIAL SECURITY

Decision by Court. This action came to hearing before the Court.
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge David E. Peebles is adopted in its entirety, this action is dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, based upon the plaintiff's failure to prosecute and to comply with this Court's Order and Local Rules of Practice.

All of the above pursuant to the order of the Honorable Chief Judge Norman A. Mordue, dated the 5th day of October, 2009.

DATED: October 5, 2009


Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk